

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

FREDRICK FLOYD "TODD" DAWSON,
Defendant-Appellant.

No. 1:22-cr-00107-DJC

ORDER TO SHOW CAUSE

On August 11, 2022, the Magistrate Judge granted Defendant Fredrick Floyd "Todd" Dawson's Motion to Dismiss without prejudice following an admitted violation of the Speedy Trial Act, 18 U.S.C. Section 3161(b). (ECF No. 18.) Defendant had been charged with a violation of 18 U.S.C. Section 641, a Class A misdemeanor punishable by up to one year of imprisonment. (ECF No. 7.) Following the Magistrate Judge's order, the Defendant timely appealed to this Court, arguing that the dismissal should have been granted with prejudice. (ECF Nos. 20, 26.) The United States opposes, arguing, in part, that this Court lacks jurisdiction to hear the appeal. (ECF No. 28.)

While original jurisdiction exists for the district courts to hear federal criminal matters, magistrate judges can be specially designated to "try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial

1 district.” 18 U.S.C. § 3401(a). In the Eastern District of California, magistrate judges
2 are given such authorization. See Local Rule 420(a). Furthermore, a “magistrate judge
3 to whom a misdemeanor or petty offense action is assigned shall have the authority to
4 hear and dispose of all pretrial or post-trial matters arising in that action.” Local Rule
5 421(b).

6 Although a district judge may designate a magistrate judge to “hear and
7 determine any pretrial matter pending before the court” there are certain matters that
8 are exempted – including a “motion to . . . dismiss or quash an indictment or
9 information made by the defendant.” 28 U.S.C. § 636(b)(1)(A). Instead, a magistrate
10 judge may be designated to “submit to a judge of the court proposed findings of fact
11 and recommendations for the disposition, by a judge of the court, of any motion
12 excepted in subparagraph (A). . . .” 28 U.S.C. § 636(b)(1)(B). This would include a
13 motion to dismiss an indictment or information made by the defendant.

14 Accordingly, IT IS HEREBY ORDERED that within fourteen days of this Order the
15 Parties must show cause in writing as to (1) why this Court should not consider the
16 Defendant’s Motion to Dismiss as a dispositive motion under 28 U.S.C. Section 636(b),
17 such that the Magistrate Court’s order should be properly construed as proposed
18 findings of fact and recommendation, and (2) why the Court should not construe the
19 Defendant’s appeal as objections to such findings of fact and recommendation.

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21 Dated: January 22, 2025

/s/ Daniel J. Calabretta

22 THE HONORABLE DANIEL J. CALABRETTA
23 UNITED STATES DISTRICT JUDGE
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